

CHAPTER NO. 51

HOUSE BILL NO. 2010

By Representatives Shepard, Ridgeway

Substituted for: Senate Bill No. 1966

By Senator Jackson

AN ACT to amend Chapter 124 of the Private Acts of 1990; and any other acts amendatory thereto, relative to the Dickson County Water Authority; and to repeal Chapter 178 of the Private Acts of 1998.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 124 of the Private Acts of 1990, and any other acts amendatory thereto, is amended in Section 1 and Section 2 by deleting the language "Dickson County Water Authority" wherever it may appear and by substituting instead the language "Water Authority of Dickson County".

SECTION 2. Chapter 124 of the Private Acts of 1990, is further amended by deleting Section 5 of such chapter in its entirety and by substituting instead the following:

SECTION 5. The governing body of the authority shall be a board of commissioners of five (5) persons of good standing and reputation and shall be resident and domiciliary of Dickson County, Tennessee. No such person shall be an employee of any water utility in Dickson County.

The board of commissioners shall consist of:

(1) One (1) representative from the Turnbull-White Bluff Utility District, appointed by the County Executive;

(2) A second (2nd) representative from the Turnbull-White Bluff Utility District, appointed by the County Executive;

(3) The Mayor of the City of Dickson, or the Mayor's designee;

(4) A member of the Dickson City Council, appointed by the Mayor; and

(5) A member at-large, selected by the other four (4) commissioners, from a resident of the Harpeth Utility District or other participating entities.

The term of the members shall be for four (4) years on a rotating basis with the exception of the fifth (5th) board member, who will be appointed for a two-year term, in the manner prescribed. The fifth (5th) member of the board may be removed by unanimous vote of the other four (4) members of the board. Reappointments for the Turnbull-White Bluff members will be selected by the

County Executive from a list of three (3) residents of the Turnbull-White Bluff service area as it existed on January 1, 2001, submitted by the Turnbull-White Bluff board members. Reappointment of the fifth (5th) member shall be selected by the other four (4) board members from any resident of any other water utility in Dickson County who has entered into the authority. Other water utility organizations that are not selected as the fifth (5th) member shall serve on the board as a participating ad hoc member. These members shall be selected by the five-member board. At the end of the two-year term of the fifth (5th) member the position shall rotate out and the ad hoc member shall become the fifth (5th) board member for a period of two (2) years. At the end of the first four-year period, the fifth (5th) board member will be selected by the other four (4) board members from a resident of the other participating entities.

The board shall elect from among its members a chairman and vice-chairman, each of whom shall continue to be voting members, and shall adopt its own bylaws and rules of procedure. The presence of a majority of the commissioners shall constitute a quorum for the transaction of business. Except as herein expressly otherwise specified, all powers herein granted to an authority shall be exercised by the board.

Each member of the board shall be entitled to an equal vote on all matters.

All commissioners shall serve without compensation, but may receive a per diem allowance as the board may determine by resolutions. Actual reasonable expenses incurred by the commissioners while engaged in the business of the authority are subject to reimbursement by the authority. All commissioners shall be eligible for health insurance to the same extent as the employees of the authority. Neither the public service commission nor any board or commission of like character hereafter created shall have jurisdiction over the authority in the management and control of any treatment works, including regulation of its rates, fees or charges.

SECTION 3. Chapter 124 of the Private Acts of 1990, is further amended by deleting the Section 14 of such chapter in its entirety and by substituting instead the following:

SECTION 14. The authority shall exercise its responsibilities and authorities within the entirety of the territory of Dickson County that has not been specifically designated by the County Executive as the service area of an existing utility district. Additionally, the authority may adopt areas for service in surrounding counties where authorized by the appropriate utility officials and other officials in those counties. In the event the assets of the authority are ever sold into private or investor ownership, the cash generated shall be divided equally between the governments of the City of Dickson and Dickson County.

SECTION 4. Chapter 178 of the Private Acts of 1998, and any acts amendatory thereto, is hereby repealed.

SECTION 5.

(a) This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Dickson County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Dickson County and certified by the presiding officer to the secretary of state.

(b) However, prior to approving the provisions of this act as required by subsection (a), the legislative body of Dickson County shall adopt, and its executive officer shall approve, a resolution calling a public hearing on the question of amending the Private Act creating the Dickson County Water Authority.

Notice of the date, hour, place and purpose of such hearing shall be published at least once each week for two (2) consecutive weeks in a newspaper of general circulation in Dickson County, the last such publication to be at least one (1) week prior to the date set for the hearing.

The hearing shall be held before the legislative body and all interested persons shall have an opportunity to be heard. After the hearing, if the legislative body shall determine that the public convenience and necessity require amending the Private Act creating the Dickson County Water Authority, and shall approve the provisions of this act by a two-thirds (2/3) vote as required by subsection (a), it shall adopt, and its executive officer shall approve, a resolution or an ordinance so amending the Private Act creating the Dickson County Water Authority, which resolution or ordinance shall also designate the name and principal office address of the authority. A certified copy of the resolution or ordinance shall be filed with the secretary of state of the State of Tennessee, and upon such adoption and filing the authority shall constitute a body politic and corporate, with all the powers hereinafter provided.

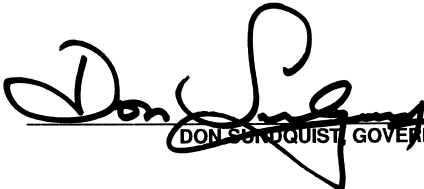
SECTION 6. For the purpose of approving or rejecting the provisions of this act it shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 5.

PASSED: May 17, 2001


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 30th day of May 2001


DON SUNDQUIST, GOVERNOR